

CHAPTER 10-06-02 PEACE OFFICER STANDARDS

Section	
10-06-02-01	Definitions
10-06-02-02	Certified Status [Repealed]
10-06-02-02.1	Licensed Status
10-06-02-02.2	Compliance With Sidearm Authorization and Qualification as a Condition of Licensure
10-06-02-03	Compliance With Minimum Training Standards
10-06-02-04	Limitations of Duties [Repealed]
10-06-02-04.1	Limited License
10-06-02-05	Waiver of Required Training
10-06-02-05.1	Licensing Examinations
10-06-05-05.2	Licensing of Peace Officers
10-06-02-06	Lapse of Certification [Repealed]
10-06-02-06.1	Lapse of License
10-06-02-06.2	Inactive Status
10-06-02-07	Requirements to Remain Licensed or to Obtain Renewal or Reinstatement of a License
10-06-02-07.1	License Renewal
10-06-02-08	Causes to Revoke Certification [Repealed]
10-06-02-09	Termination of Peace Officer Status
10-06-02-10	Notice of Termination
10-06-02-11	Notice of Denial or Revocation - Hearing
10-06-02-12	Appeals
10-06-02-13	Waiver

10-06-02-01. Definitions. The terms used throughout this article have the same meaning as in the North Dakota Century Code except:

1. "Auxiliary personnel" means any individual utilized by a municipal, county, or state law enforcement agency to provide service to that jurisdiction on a nonsalaried basis. These individuals can be members of organized groups such as posse, search and rescue, security at dances, etc., which operate adjunct to a police or sheriff's department, and do not have arrest powers or peace officer authority delegated to them by the department. Nothing in these rules precludes pecuniary remuneration to auxiliary officers for order maintenance and security functions such as traffic and crowd control at sporting events, parades, and other similarevents.
2. "Board" refers to those individuals who have been appointed by the attorney general to the peace officer standards and training board.
3. "Certification" refers to a course of training that has complied with the requirements of the board and has been approved by the division.

4. "College credits" are credits earned for studies satisfactorily completed at an accredited institution of higher learning in a program leading to an academic degree.
5. "Department" is a law enforcement agency which is part of or administered by the state or any political subdivision thereof and which is responsible for the prevention and detection of crime and the enforcement of penal, traffic, or highway laws of North Dakota.
6. "Division" is the bureau of criminal investigation training section of the office of the attorney general.
7. "In-service" training refers to a certified training program conducted by and for the members of a department or agency and of one hour or more in duration. The training time is cumulative, i.e., six sessions of ten minutes each.
8. "Instructor" means an instructor certified by the board to instruct law enforcement subjects.
9. "License requirement" means a person may not perform law enforcement duties without having a license issued by the board.
10. "Moral turpitude" means conduct contrary to justice, honesty, modesty, or good morals.
11. "Peace officer (full time)" means a salaried public servant authorized by a government agency or branch to enforce the law or to conduct or engage in investigations or prosecutions for violations of law who works twenty hours or more per week averaged over a one-year period.
12. "Peace officer (part time)" means a salaried public servant authorized by a government agency or branch to enforce the law or to conduct or engage in investigations or prosecutions for violations of law who works less than twenty hours per week averaged over a one-year period for any individual agency or combination of agencies.
13. "Reserve officer" means any individual utilized by a municipal, county, or state law enforcement agency to provide service to that jurisdiction on a nonsalaried basis and who may be granted full arrest authority. Nothing in these rules precludes pecuniary remuneration to reserve officers for order maintenance and security functions such as traffic and crowd control at sporting events, parades, and other similar events. However, payment on a full-time or part-time basis for the performance of typical law enforcement duties involving the detection and apprehension of law violators and the investigation of crimes including routine criminal and traffic patrol operations would require that such officer comply with the training for peace officers (full time and part time) as provided in this article.

14. "School" is any school, college, university, academy, or local training program which offers law enforcement training and includes within its meaning the combination of course curriculum, instructors, and facilities.
15. "Training course" means any certified training program approved by the board.

History: Effective January 1, 1983; amended effective July 1, 1989; June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02

10-06-02-02. Certified status. Repealed effective July 1, 1989.

10-06-02-02.1. Licensed status.

1. In addition to other requirements of law when a person is employed or appointed as a peace officer, the agency shall submit acknowledgment that such officer meets the requirements of the board and shall also forward a record of that individual's previous training and law enforcement experience, if any, to the board.
2. The holding of a current license by itself does not authorize the person to perform peace officer duties in this state unless that person is a peace officer as defined in subsection 4 of North Dakota Century Code section 12-63-01 or such person is within the exception of North Dakota Century Code section 12-63-03.

History: Effective July 1, 1989.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02

10-06-02-02.2. Compliance with sidearm authorization and qualification as a condition of licensure. A license may not be issued, renewed, or reinstated unless the person who is authorized to carry a sidearm in the course of employment or in the performance of official duties has satisfied the requirements of chapter 10-06-01.

History: Effective June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-06, 12-63-09, 12-63-11

10-06-02-03. Compliance with minimum training standards.

1. Peace officers (full time) shall satisfactorily complete the first available basic course approved by the board from the date of appointment and successfully pass the licensing examination.

2. Peace officers (part time) shall satisfactorily complete a basic training course or part-time officer correspondence course approved by the board within one year of employment.
3. Training for reserve officers may not be specified by the board and must be left up to the discretion of the individual agency.
4. Training for auxiliary personnel may not be specified by the board and must be left up to the discretion of the individual agency.
5. Extensions of the time required for completion of required courses may be granted at the discretion of the board after written request by the agency administrator in cases of extreme hardship.

History: Effective January 1, 1983; amended effective July 1, 1989; June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02, 12-63-06

10-06-02-04. Limitations of duties. Repealed effective July 1, 1989.

10-06-02-04.1. Limited license. Peace officers will be issued a limited license until the basic course has satisfactorily been completed and the licensing examination has been passed. Individuals shall take the examination within thirty days after completing the basic training program. Individuals will be permitted to take the examination a total of three times. After the second unsuccessful attempt, and before retaking the examination again, the individual shall successfully complete a board-approved law enforcement basic training program.

History: Effective July 1, 1989; amended effective June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02, 12-63-09

10-06-02-05. Waiver of required training.

1. All peace officers with experience or training outside of or prior to the establishment of the board may qualify for a waiver of any training requirement. Such an application should be submitted through the administrator of the applying officer's department on the form provided by the board. The board shall review all such applications and shall have authority to grant a complete or partial waiver. The individual must successfully complete the licensing examination, and upon its completion the board will determine whether the complete or partial waiver is granted.
 - a. Training received in states with laws governing or regulating police training must, if subject to such review, have been approved or certified in the state in which the training was received.

- b. The board may elect to prescribe as a condition of licensing supplementary or remedial training necessary to equate previous training with current standards.
 - c. The board is authorized to enter into standing reciprocity compacts or agreements with those states which by law regulate and supervise the quality of peace officer training and which require a number of training hours comparable to the current requirements for basic training in North Dakota.
- 2. If a complete or partial waiver is granted by the board, the individual will be allowed only one attempt to successfully complete the licensing examination. If a passing score is not obtained on the first attempt, the waiver is denied and the individual will be required to complete the full basic training before being allowed to take the licensing examination for the second time.
- 3. For the purpose of subsection 2 of North Dakota Century Code section 12-63-08, a person may be certified as a peace officer before July 1, 1989, if that person has completed basic training, successfully completed one year of in-state law enforcement employment, and has successfully completed the probationary period of the person's current employer. However, for those persons who have commenced employment with a law enforcement agency after July 1, 1988, and who have successfully completed the basic training, and sidearm requirements, the board may grant a waiver of the written examination requirement upon application for such waiver.

History: Effective January 1, 1983; amended effective July 1, 1989; June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02, 12-63-06, 12-63-08

10-06-02-05.1. Licensing examinations.

- 1. **Application.** Licensing examinations will be administered by the division as required by the board. The applicant for any licensing examination shall submit a request prior to the date of the examination. The request must be accompanied by the appropriate nonrefundable fee as set forth by the board.
- 2. **Retaking examinations.** An applicant who fails an examination will be allowed to retake that examination one time, upon furnishing to the board a renewed request and required fee. After the second unsuccessful attempt, and before retaking the examination again,

the individual must successfully complete a board-approved law enforcement basic training program.

History: Effective July 1, 1989; amended effective June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02, 12-63-07

10-06-02-05.2. Licensing of peace officers.

1. **Appointees - Notification.** The employing agency shall notify the board of the appointment of any person to the position of peace officer before the first day of the appointee's employment. Notification must be made on a form provided by the board, and it must include the appointee's full name, sex, date of birth, social security number, the effective date of the appointment, and an affirmation that the appointee has met all selection standards as prescribed by law.
2. **Application procedures.** If the appointee is not already a licensed peace officer, but is eligible to be licensed, the appointee shall apply to be licensed at the time of appointment. Application must be made on a form provided by the board, and both the applicant and the agency administrator shall affirm that the applicant is eligible to be licensed. The required licensing fee must accompany the application.
3. **License certificate.** The executive secretary shall issue a license certificate to an applicant who has complied with the requirements of law, and whose affirmations are consistent with the division's records and payment of required fees. The period of the initial licensure must be determined according to the initial letter of the licensee's surname and expires as provided by law.
4. **Fees.** The following fees are nonrefundable:
 - a. Application for examination fee - twelve dollars and fifty cents.
 - b. License fee - the appropriate license fee is fifteen dollars if the licensee is to be licensed for thirty to thirty-six months; ten dollars if the licensee is to be licensed for at least eighteen months but less than thirty months; and five dollars if the licensee is to be licensed for less than eighteen months.
 - c. Renewal fee - fifteen dollars for a three-year period.
 - d. Late renewal fee - twenty-five dollars.
 - e. Reinstatement fee - thirty-five dollars.

5. **Surrender of license certificate.** Licenses remain the property of the board. The license certificate and any renewal certificates must be surrendered to the board if suspended or revoked.

History: Effective July 1, 1989; amended effective June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02, 12-63-04, 12-63-05

10-06-02-06. Lapse of certification. Repealed effective July 1, 1989.

10-06-02-06.1. Lapse of license. Any peace officer who does not perform duties as a peace officer, is no longer employed by a department, and lets the officer's license expire shall comply with the following conditions for reinstatement:

1. Any individual who has not been employed by a law enforcement agency for less than two years may reapply for a license. The individual will be required to pay the reinstatement fee. The individual must obtain sufficient makeup continuing education hours within three months of reinstatement.
2. Any individual who has not been employed by a law enforcement agency for two to five years may reapply for a license. The individual must pass the criminal and traffic law portions of the licensing examination and obtain sufficient makeup continuing education hours within six months of reinstatement. The individual must pay the reinstatement fee and the examination fee.
3. Any individual who has not been employed as a peace officer by a law enforcement agency for five to seven years must pass a licensing examination and pay the reinstatement fee and the examination fee. The individual must attain the sufficient makeup continuing education hours within six months of reinstatement. If the individual fails the licensing examination on the first attempt, the individual will be required to complete the process that is required for a new officer.
4. Any individual who has not been employed as a peace officer by a law enforcement agency for over seven years is required to complete the process that is required for a new officer.
5. The board shall give the individual written notice of its findings. The notice must include the reasons for the board's action if the board denies relicensure or prescribes the conditions of relicensure.

History: Effective July 1, 1989; amended effective June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-04

10-06-02-06.2. Inactive status. An individual who does not perform duties as a peace officer or is no longer employed by a department may request that

the individual's license be placed on inactive status. The individual licensee may remain on inactive status indefinitely if the continuing education requirements are maintained and the license is renewed as required.

History: Effective July 1, 1989.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02

10-06-02-07. Requirements to remain licensed or to obtain renewal or reinstatement of a license. In order for a part-time or full-time peace officer to remain licensed, the officer must continue to meet all the minimum requirements and must further receive a minimum of sixty hours of certified training every three years.

1. The training may consist of but is not limited to:
 - a. Sixty hours of certified law enforcement training;
 - b. Sixty hours of approved/certified criminal justice-related seminar.
2. The training may be attended in any hour grouping, as long as it totals a minimum of sixty hours within a three-year period, i.e., two ten-hour blocks of instruction every year, one sixty-hour block of instruction within the three-year period, etc.
3. No surplus in training hours may be carried forth into the next three-year period.
4. All officers shall meet the licensure requirements by the following dates:
 - a. If the surname begins with the letters A through G, the officer must have met the continuing education requirement for the period of July 1, 1984, through July 1, 1987. The next continuing education requirement before renewal can be completed will be for the period of July 1, 1987, through July 1, 1990, and every third year thereafter.
 - b. If the surname begins with the letters H through M, the officer must have met the continuing education requirement for the period of July 1, 1985, through July 1, 1988. The next continuing education requirement before renewal can be completed will be for the period of July 1, 1988, through July 1, 1991, and every third year thereafter.
 - c. If the surname begins with the letters N through Z, the officer must have met the continuing education requirement for the period of July 1, 1986, through July 1, 1989, and every third year thereafter.

- d. If an officer is newly hired during the three-year cycle, the officer will meet the prorated share of the requirements needed until the officer's renewal date arrives.
5. It shall be the duty of the employer agency or the officer to forward a record of the training attended to the board prior to the officer's recertification date.
6. An officer who has enrolled and completed college courses may request, if necessary, a waiver of the sixty-hour training requirement for renewal of the peace officer license. The request may be granted upon showing of successful completion of at least:
 - a. Three semester hours of college credit in a criminal justice-related or job-related topic; or
 - b. Five quarter hours of college credit in a criminal justice-related or job-related topic.

History: Effective January 1, 1983; amended effective July 1, 1989; June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02

10-06-02-07.1. License renewal.

1. **Application.** The board shall require a written application for renewal of licenses.
2. **Certificate of renewal.** The executive secretary shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June thirtieth of the year when the license becomes due for renewal and also completed the required hours of continuing education.
3. **Late renewal.** Should a person fail to renew a license by June thirtieth, such person may be permitted to make application for renewal no later than July thirty-first of that same year upon payment of the late renewal fee. If application for renewal is not made by July thirty-first, the license is deemed to be lapsed and no longer in effect.
4. **Reinstatement of a lapsed license.** After July thirty-first, a license may not be renewed but an application for reinstatement may be made by the applicant. The application for reinstatement must include payment of the reinstatement fee as prescribed to be paid by the board. The

board may grant reinstatement once the applicant has conformed with section 10-06-02-06.1.

History: Effective July 1, 1989; amended effective June 1, 2000.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-11

10-06-02-08. Causes to revoke certification. Repealed effective July 1, 1989.

10-06-02-09. Termination of peace officer status. Termination of a person's peace officer status as defined in subsection 4 of North Dakota Century Code section 12-63-01, whether voluntary or involuntary, shall not preclude revocation, suspension, or denial of peace officer licensure status by the board.

History: Effective January 1, 1983; amended effective July 1, 1989.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02, 12-63-12, 12-63-13

10-06-02-10. Notice of termination. Upon termination of a peace officer, the agency administrator shall within five days of the termination notify the board on the appropriate form, such notification to include the following information:

1. The nature and cause of the termination.
2. The effective date of the termination.
3. A statement from the agency administrator indicating whether or not the agency head is recommending denial, suspension, or revocation of the peace officer license to the board.

History: Effective January 1, 1983; amended effective July 1, 1989.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02, 12-63-12, 12-63-13

10-06-02-11. Notice of denial, suspension, or revocation - Hearing. The board shall notify in writing any individual and the department head when the board believes there is a reasonable basis for revoking, suspending, or denying a license of the individual. The notice shall specify the basis of the revocation, suspension, or denial. Every individual has the right to a hearing on the issue of denial, suspension, or revocation. Hearings shall be conducted in accordance with and in the manner prescribed by North Dakota Century Code chapter 28-32.

History: Effective January 1, 1983; amended effective July 1, 1989.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02, 12-63-13

10-06-02-12. Appeals. Appeals of board decisions will be made in compliance with North Dakota Century Code chapter 28-32.

History: Effective January 1, 1983; amended effective July 1, 1989.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02, 12-63-12

10-06-02-13. Waiver. The board may waive the requirements of these rules upon a showing of good cause.

History: Effective January 1, 1983; amended effective July 1, 1989.

General Authority: NDCC 12-63-04

Law Implemented: NDCC 12-63-02